

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE :  
PLAYERS' CONCUSSION INJURY : No. 2:12-md-02323-AB  
LITIGATION :  
\_\_\_\_\_ : MDL No. 2323

THIS DOCUMENT RELATES TO: :  
\_\_\_\_\_ : **Hon. Anita B. Brody**

ALL ACTIONS :  
\_\_\_\_\_ :

**REPORT OF THE SPECIAL MASTERS**

1. Wendell E. Pritchett and Jo-Ann M. Verrier, as Special Masters appointed by the Court on July 13, 2016 (ECF 6871), and David Hoffman, appointed by the Court on March 5, 2020 (ECF 11022) pursuant to Article X of the Class Action Settlement Agreement (Settlement Agreement) in this matter, submit this Report to the Court alongside Status Reports from the Claims Administrator, Brown Greer LLC (“Claims Administrator”), and the Baseline Assessment Program Administrator, Garretson Resolution Group (“BAP Administrator”; now known as Epiq Mass Tort), to provide an update on the Agreement’s effectuation and progress.
2. The Special Masters have reviewed the 2nd Quarter 2021 Status Reports submitted by both Administrators. These accurately and thoroughly reflect the work of both firms.
3. The Special Masters continue to augment their weekly reports to the Court by highlighting work detailed in these Status Reports and conducting work that is beyond the purview of the Claims and BAP Administrators.

### **Overall Administration**

4. The Special Masters continue to participate in bi-weekly calls with the Claims Administrator and the BAP Administrator. Additionally, both Administrators make themselves available for additional discussions and communications as necessary to support the fair and efficient administration of the Settlement Agreement.
5. The Special Masters remain constantly informed about the progress of all Claims through the Claims Administrator's robust systems, including its published reports as found on the NFL Concussion Settlement website.
6. Each month, after review with the Claims Administrator, the Special Masters approve the monthly disbursement report to the Trustee authorizing payments of Monetary Awards to Settlement Class Members (SCMs) as well as to relevant attorneys, lienholders, and third-party funders where appropriate.
7. The Special Masters are informed about the BAP Administrator's management of requests for and scheduling of Baseline Assessment Program examinations as well as of the BAP Administrator's ongoing work to ensure that trained BAP authorized neuropsychologists and neurologists complete their work effectively. The BAP Administrator also oversees the Supplemental Benefits program for Players within the Settlement Agreement and manages the lien resolution process on behalf of Retired Players.
8. The Special Masters ensure that the work of the Administrators is communicated to the Court via a regular meeting and report as well as via other communication; we seek to ensure the Court's input into matters arising in the efficient and fair administration of the Settlement Agreement.

**Baseline Assessment Program Milestones**

9. Due to the COVID-19 Pandemic, the BAP Administrator has continued to experience unusually heavy appointment cancellations, with 200 appointments cancelled by Qualified BAP Providers and 149 appointments cancelled by Retired NFL Football Players during the 2nd Quarter of 2021. The BAP Administrator has worked diligently to mitigate the disruptions caused by the pandemic, including working to reschedule appointments and ensuring that there will not be negative consequences for cancellations caused by COVID-19.
10. The BAP Administrator has received requests for appointments from 58% of Players eligible to receive a BAP examination, and has offered one or more appointments to 99.8% of those Players.
11. The BAP Administrator oversees a Supplemental Benefit program for Players diagnosed with Level 1 Neurocognitive Impairment under the Settlement Agreement. As of July 12, 2021, 212 Players had been notified of their eligibility to participate in the program, and 180 had completed orientation. As part of this program, the BAP Administrator is currently piloting a cognitive rehabilitation therapy service in response to request from participating Players.
12. The Special Masters are working closely with the BAP Administrator to identify ways to bring files to encourage doctors to complete their work with the Program to ensure that the BAP program can work as effectively as possible.
13. As of July 12, 2021, 5,906 Players have had full BAP examinations completed, resulting in 124 Level 2 diagnoses, 192 Level 1.5 diagnoses, 222 Level 1 diagnoses (entitling these

Players to Supplemental Benefits under the Settlement Agreement), and 5,136 cases with no diagnosis.

**Claims Administrator Milestones**

14. As of July 12, 2021, the Claims Administrator issued 1,267 Notices of Monetary Award, totaling \$863,791,064. The Program has paid 1,226 of these claims, for a total payment to date to Settlement Class Members of \$794,771,589.

**Audits**

15. Under the terms of Section 10.3 of the Settlement Agreement, the Special Masters review determinations of the Claims Administrator concerning misrepresentation, omission, or concealment of a material fact in connection with a Monetary Award Claim.

16. The Claims Administrator continues its careful and detailed recommendations of Audits to the Special Masters, detailed on pages 17-19 of its most recent quarterly report. The Special Masters are carefully following the work of the Claims Administrator on investigation.

17. On June 22, 2021, the Special Masters released a Rule 27 Audit Report. As of July 12, 2021, the Special Masters have several matters under consideration from the Audit process.

**Appeals**

18. Alongside the Special Masters' authority to hear appeals of Registration determinations under the terms of Section 10.1(b)(i)(3) of the Settlement Agreement, the Court has directed the Special Masters to hear appeals of the Claims Administrator's decisions on Claims pursuant to the Rules Governing Appeals of Claim Determinations.

19. Between April 13, 2021 and June 30, 2021, the Special Master issued dispositions on six appeals, five of which were by opinion. Of the five by opinion, three have been published online to the Settlement Portal. To date, the Special Masters have published a total of 36 decisions on Monetary Award appeals.

**Education Fund**

20. Pursuant to Article XII of the Settlement Agreement, an Education Fund was established to fund programs promoting safety and injury prevention with respect to football players, including safety related initiatives in youth football, the education of Retired NFL Football Players regarding the NFL CBA Medical and Disability Benefits, and other educational initiatives benefitting Retired NFL Football Players.

21. The three programs established in response are operational, following the Court's March 23, 2020 Order accepting the Parties' proposals for these Programs.

22. We expect to see educational communication with Players about on-going benefits from the NFL during this quarter.

23. The approved program in youth sports safety with the Korey Stringer Institute is operational, with four school districts identified as eligible to receive funding as part of the first innovATE cohort (Boston Public Schools, Cincinnati Public Schools, Oakland Athletic League; and Stewart and Early Counties in Georgia, representing 18 individual schools with approximately 15,000 students). KSI, working with the NFL Alumni Association, has identified at least one retired player in each of the four school communities to serve as an NFL "ambassador" and has identified potential financial. KSI's social media team is currently planning promotion of the school communities and

the soon to be hired athletic trainers in order to build community support and help recruit schools for the next two cohorts.

24. Finally, a research program that allows access to data that Players have voluntarily contributed via the BAP Program is underway. The data that some Players have contributed is being extracted from the BAP records and coded by researchers at Columbia University, with the expectation that this process will be completed for Players already in the system by early Fall.
25. Class Counsel will file a formal report on these initiatives with the Court within the next month.

Respectfully submitted,



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Wendell E. Pritchett  
Special Master



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Jo-Ann M. Verrier  
Special Master



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David A. Hoffman  
Special Master